

Substitute for Form  
PTO-1390

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

004501-810

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/532,313

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.

PCT/CH03/00681

INTERNATIONAL FILING DATE

17 October 2003 (17.10.2003)

PRIORITY DATE CLAIMED

23 October 2002 (23.10.2002)

TITLE OF INVENTION

METHOD FOR FABRICATING A STEPPED PROFILE FROM A LAYER SEQUENCE

APPLICANT(S) FOR DO/EO/US

ASSAL, Jerome; EICHER, Simon; and NANSER, Erich

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission to items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (22) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 21 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Supplemental Application Data Sheet

|   |  |   |
|---|--|---|
| U.S. APPLICATION NO. (If known, see 37 CFR 1.53)<br><b>10/532,313</b> | INTERNATIONAL APPLICATION NO.<br><b>PCT/CH03/00681</b> | ATTORNEY'S DOCKET NUMBER<br><b>004501-810</b> |
|---|--|---|

21. ☐ Applicant(s) requests that the published application include the following assignment information: \_\_\_\_\_

22. ☐ The following fees are submitted:

|  |              |              |                   |                         |
|--|--------------|--------------|-------------------|-------------------------|
| Basic Filing Fee (1631)  |              |              |                   | \$ 130.00               |
| Surcharge of <b>\$130.00 (1617)</b> for furnishing the oath or declaration later than _____ months from the earliest claimed priority date (37 CFR 1.492(e)). <input type="checkbox"/> 20 <input type="checkbox"/> 30      |              |              |                   |                         |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA | RATE              | \$                      |
| Total Claims   | -20 =        | 0            | x \$50.00 (1615)  | \$ 0.00                 |
| Independent Claims   | -3 =         | 0            | x \$200.00 (1614) | \$ 0.00                 |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)  |              |              |                   | + \$360.00 (1616)       |
| Examination Fee  |              |              |                   | + \$200.00 (1633)       |
| Search Fee   |              |              |                   | + \$500.00 (1632)       |
| App. Size Fee (add \$250.00 for each add'l 50 sheets exceeding 100 sheets)   |              |              |                   |                         |
| TOTAL OF ABOVE CALCULATIONS  |              |              |                   | \$ 130.00               |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |              |              |                   | + \$ 0.00               |
| SUBTOTAL =   |              |              |                   | \$ 130.00               |
| Processing fee of <b>\$130.00 (1618)</b> for furnishing the English translation later than _____ months from the earliest claimed priority date (37 CFR 1.492(f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30 |              |              |                   | \$ 0.00                 |
| TOTAL NATIONAL FEE =   |              |              |                   | \$ 130.00               |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00 (8021)</b> per property +                                     |              |              |                   |                         |
| TOTAL FEES ENCLOSED =  |              |              |                   | \$ 130.00               |
|  |              |              |                   | Amount to be refunded : |
|  |              |              |                   | charged :               |

a. ☐ A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 02-4800 in the amount of \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this sheet is enclosed.

d. ☒ Charge \$ 130.00 to credit card. Form PTO-2038 is attached.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

**CALCULATIONS PTO USE ONLY**

14 NOV 2005

SEND ALL CORRESPONDENCE TO:

Buchanan Ingersoll PC  
 Including attorneys from Burns, Doane, Swecker & Mathis  
 P.O. Box 1404  
 Alexandria, Virginia 22313-1404  
 (703) 836-6620

SIGNATURE

Patrick C. Keane

NAME

REGISTRATION NO. 32,858

DATE November 14 2005

Rec'd PSI/PTO

14 NOV 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/532,313                  | Jerome Assal          | 004501-810       |

|                               |               |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. |               |
| PCT/CH03/00681                |               |
| I.A. FILING DATE              | PRIORITY DATE |
| 10/17/2003                    | 10/23/2002    |

21839  
 BUCHANAN INGERSOLL PC  
 (INCLUDING BURNS, DOANE, SWECKER & MATHIS)  
 POST OFFICE BOX 1404  
 ALEXANDRIA, VA 22313-1404

CONFIRMATION NO. 9970  
 371 FORMALITIES LETTER



\*OC000000017250390\*

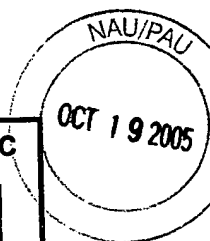
Date Mailed: 10/14/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/22/2005
- English Translation of the IA filed on 04/22/2005
- Copy of the International Search Report filed on 04/22/2005
- Preliminary Amendments filed on 04/22/2005
- Information Disclosure Statements filed on 04/22/2005
- U.S. Basic National Fees filed on 04/22/2005
- Priority Documents filed on 04/22/2005
- Non-English Language Application filed on 04/22/2005
- Specification filed on 04/22/2005
- Claims filed on 04/22/2005
- Abstracts filed on 04/22/2005
- Drawings filed on 04/22/2005

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| BUCHANAN INGERSOLL PC |
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004501-810

PCL/new

The applicant needs to satisfy supplemental fees problems indicated below.

MISSING PARTS DUE

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

12/14/05

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

## PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/532,313                  | PCT/CH03/00681                | 004501-810       |

FORM PCT/DO/EO/905 (371 Formalities Notice)